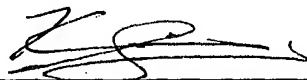


## DECLARATION

I, Kaori Suzuki, c/o KANESAKA & SAKAI, Shuwa Kioicho TBR Building, 7, Kojimachi 5-chome, Chiyoda-ku, Tokyo, Japan, sincerely declare that I am conversant with the English and Japanese languages, that I am the translator of the documents in the English language attached hereto, and that the text of the following page is a true and correct translation of the "RECEIPT IN THE CASE OF ORIGINAL DEPOSIT" of Deposit Accession No. FERM BP-5874 issued on March 13, 1997 by National Institute of Bioscience and Human-Technology, Agency of Industrial Science and Technology, of 1-3, Higashi 1 chome, Tsukuba-shi, Ibaraki-ken, 305 Japan, to the best of my knowledge and belief.

Declared and signed in Tokyo, Japan  
this 10th day of March, 2003

A handwritten signature in black ink, appearing to be 'Kaori Suzuki', written over a horizontal line.

(Kaori SUZUKI)

(Translation)

INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT  
OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT  
issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page.

To Depositor: Name - Tensei Suisan Co., Ltd.  
Mitsunori IWAMOTO, President  
Address - 1-6, Nakasedoori, Karatsu-shi, Saga, Japan

<b>I. Name of Microorganisms:</b>	
(Name for Identification given by Depositor) I310H	(Deposit Accession Number) FERM BP-5874
<b>II. Scientific Description and Taxonomic Designation</b>	
A document describing the following information is appended to the microorganism in Section I	
Scientific Description - Yes Taxonomic Designation - Yes	
<b>III. Acknowledgement and Receipt:</b>	
The present International Depositary Authority has accepted deposit of the microorganism in Section I acknowledged on March 13, 1997 (date of original deposit).	
<b>IV. Acknowledgement of Petition for Conversion</b>	
<b>V. International Depositary Authority:</b>	
Name - National Institute of Bioscience and Human-Technology Agency of Industrial Science and Technology Michio Oishi, Ph.D., Director General	
Address - 1-3, Higashi 1 chome, Tsukuba-shi, Ibaraki-ken, 305 JAPAN (SEAL)	
Dated: March 13, 1997	

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

特許手続上の微生物の寄託の国際的承認に関するブタベスト条約

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

下記国際寄託当局によって規則7.1に従い発行される。

issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page..

原寄託についての受託証

氏名 (名称) 天生物産株式会社  
代表取締役 岩本 三憲  
寄託者 殿  
あて名 〒 佐賀県唐津市中ノ瀬通り1-6

1. 微生物の表示	
(寄託者が付した識別のための表示) I310H	(受託番号) FERM BP- 5874
2. 科学的性質及び分類学上の位置	
1 欄の微生物には、次の事項を記載した文書が添付されていた。 <input checked="" type="checkbox"/> 科学的性質 <input checked="" type="checkbox"/> 分類学上の位置	
3. 受領及び受託	
本国際寄託当局は、平成 9 年 3 月 13 日 (原寄託日) に受領した1 欄の微生物を受託する。	
4. 移管請求の受領	
本国際寄託当局は、年 月 日 (原寄託日) に1 欄の微生物を受領した。 そして、年 月 日に原寄託よりブタベスト条約に基づく寄託への移管請求を受領した。	
5. 国際寄託当局	
通商産業省工業技術院生命工学工業技術研究所 名称: National Institute of Bioscience and Human-Technology Agency for Industrial Science and Technology 所長 大石 道夫 Michio Ohtsuka, DIRECTOR GENERAL. あて名: 日本国茨城県つくば市東1丁目1番3号 (郵便番号305) 1-3, Higashi 1 chome Tsukuba-shi Ibaraki-ken 305, JAPAN 平成 9 年 (1997) 3 月 13 日	

# Declaration and Power of Attorney For Patent Application

## 特許出願宣言書

### Japanese Language Declaration

私は、下欄に氏名を記載した発明者として、以下のとおり宣言する：

私の住所、郵便の宛先および国籍は、下欄に氏名に続いて記載したとおりであり、

名称の発明に関し、請求の範囲に記載した特許を求める主題の本来の、最初にして唯一の発明者である（一人の氏名のみが下欄に記載されている場合）か、もしくは本来の、最初にして共同の発明者である（複数の氏名が下欄に記載されている場合）と信じ、

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

その明細書を

(該当する方に印を付す)

☐ ここに添付する。

☐ \_\_\_\_\_ 日に出願番号

第 \_\_\_\_\_ 号として提出し、  
\_\_\_\_\_ 日に補正した。

(該当する場合)

私は、前記のとおり補正した請求の範囲を含む前記明細書の内容を検討し、理解したことを陳述する。

私は、連邦規則法典第37部第1章第56条(a)項に従い、本願の審査に所要の情報を開示すべき義務を有することを認める。

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

NOVEL PROTEIN, ITS GENE, REAGENTS FOR  
INDUCING APOPTOSIS, AND ANTICANCER

AGENTS

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on May 22, 1998 as  
an international application of  
Application Serial No. PCT/JP98/02261

and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

## Japanese Language Declaration

私は、合衆国法典第35部第119条にもとづく下記の外国特許出願または発明者証出願の外国優先権利益を主張し、さらに優先権の主張に係わる基礎出願の出願日前の出願日を有する外国特許出願または発明者証出願を以下に明記する：

Prior foreign applications  
先の外国出願

Patent Application

H. 9-133549	Japan	23 May 1997
(Number)	(Country)	(Day/Month/Year Filed)
(番号)	(国名)	(出願の年月日)
(Number)	(Country)	(Day/Month/Year Filed)
(番号)	(国名)	(出願の年月日)
(Number)	(Country)	(Day/Month/Year Filed)
(番号)	(国名)	(出願の年月日)

Priority claimed  
優先権の主張

<input checked="" type="checkbox"/> Yes あり	<input type="checkbox"/> No なし
<input type="checkbox"/> Yes あり	<input type="checkbox"/> No なし
<input type="checkbox"/> Yes あり	<input type="checkbox"/> No なし

私は、合衆国法典第35部第120条にもとづく下記の合衆国特許出願の利益を主張し、本願の請求の範囲各項に記載の主題が合衆国法典第35部第112条第1項に規定の態様で先の合衆国出願に開示されていない限度において、先の出願の出願日と本願の国内出願日またはPCT国際出願日の間に公表された連邦規則法典第37部第1章第56条(a)項に記載の所要の情報を開示すべき義務を有することを認める：

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) (出願番号)	(Filing Date) (出願日)
(Application Serial No.) (出願番号)	(Filing Date) (出願日)

(現況) (特許済み、係属中、放棄済み)	(Status) (patented, pending, abandoned)
(現況) (特許済み、係属中、放棄済み)	(Status) (patented, pending, abandoned)

私は、ここに自己の知識にもとづいて行った陳述がすべて真実であり、自己の有する情報および信ずるところに従って行った陳述が真実であると信じ、さらに故意に虚偽の陳述等を行った場合、合衆国法典第18部第1001条により、罰金もしくは禁錮に処せられるか、またはこれらの刑が併科され、またかかる故意による虚偽の陳述が本願ないし本願に対して付与される特許の有効性を損うことがあることを認識して、以上の陳述を行ったことを宣言する。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

# Japanese Language Declaration

委任状：私は、下記発明者として、以下の代理人をここに選任し、本願の手続を遂行すること並びにこれに関する一切の行為を特許商標庁に対して行うことを委任する。  
(代理人氏名および登録番号を明記のこと)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Morris Relson	Reg. No. 15,108
Gordon D. Coplein	Reg. No. 19,165
William F. Dudine, Jr.	Reg. No. 20,569
Michael J. Sweedler	Reg. No. 19,937
S. Peter Ludwig	Reg. No. 25,351
Paul Fields	Reg. No. 20,298
Joseph B. Lerch	Reg. No. 26,936

Melvin C. Garner	Reg. No. 26,272
Ethan Horwitz	Reg. No. 27,646
Beverly B. Goodwin	Reg. No. 28,417
Adda C. Gogoris	Reg. No. 29,714
Martin E. Goldstein	Reg. No. 20,869
Bert J. Lewen	Reg. No. 19,407
Henry Stenberg	Reg. No. 22,408

書類の送付先：

Send Correspondence to:

DARBY & DARBY P.C.  
805 Third Avenue  
27th Floor  
New York, N.Y. 10022

直通電話連絡先：(名称および電話番号)

Direct Telephone Calls to: (name and telephone number)

DARBY & DARBY P.C.  
Tel. No. (212) 527-7700

唯一のまたは第一の発明者の氏名		Full name of sole or first inventor Mitsunori IWAMOTO	
同発明者の署名	日付	Inventor's signature <i>Mitsunori Iwamoto</i>	Date Jan. 12, 1999
住所		Residence 1498, Shinmachi, Karatsu-shi, Saga 847-0813 Japan.	
国籍		Citizenship Japanese	
郵便の宛先		Post Office Address As above.	
第2の共同発明者の氏名 (該当する場合)		Full name of second joint inventor, if any Sang-Kee JUNG	
同第2発明者の署名	日付	Second Inventor's signature <i>Sang-Kee Jung</i>	Date Jan. 12, 1999
住所		Residence Room No. 505, Vira Suitopia, 125, Aioicho, Kawaramachidoori Imadegawaagaru,	
国籍		Citizenship Korean Kamigyo-ku, Kyoto-shi, Kyoto 602-0827 Japan.	
郵便の宛先		Post Office Address As above.	

(第六またはそれ以降の共同発明者に対しても同様な情報および署名を提供すること。)

(Supply similar information and signature for third and subsequent joint inventors.)



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
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Washington, D.C. 20231



\*101022160A\*

JUNE 29, 1999

PTAS

DARBY & DARBY P.C.  
S. PETER LUDWIG  
805 THIRD AVENUE, 27TH FLOOR  
NEW YORK, NY 10022-7513

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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

IWAMOTO, MITSUNORI

DOC DATE: 01/12/1999

ASSIGNOR:

JUNG, SANG-KEE

DOC DATE: 01/12/1999

ASSIGNEE:

TENSEI SUISAN CO., LTD.  
1-6, NAKASEDOORI, KARATSU-SHI  
SAGA-KEN, JAPAN 847-0101

SERIAL NUMBER: 09230388

FILING DATE: 01/22/1999

PATENT NUMBER:

ISSUE DATE:

TARA WASHINGTON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

04-28-1999



101022160

ty(ies):

Kee JUNG

2. Name and address of receiving party(ies):

Name: Tensei Suisan Co., Ltd.

Internal Address:

Street Address: 1-6, Nakasedoori, Karatsu-shi

City: <sup>Ken</sup>Saga Country: Japan Zip: 847-0101

Additional name(s) & address(es) attached? ☐ Yes ☒ No

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other

Execution Date: January 12, 1999

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 01/12/99

A. Patent Application No.(s)

09/230388

EXPRESS MAIL CERTIFICATE  
Date: 1/22/99 Label No: Sm 445425584  
B. Patent holder certifies that on the date indicated above I deposited this paper or fee with the U.S. Postal Service & that it was addressed for delivery to the Commissioner of Patents & Trademarks, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.  
DB Beck DB Beck

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Darby & Darby P.C.

Internal Address: S. Peter Ludwig, Esq.

02/01/1999 WCLAYBDD 00000089 09230388

Street Address: 805 Third Avenue 27th Floor

City: New York State: New York Zip: 10022-7513

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41):.....\$40.00

- ☒ Enclosed  
☒ Authorized to be charged to deposit account

8. Deposit account number:

04-0100

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

S. PETER LUDWIG  
Name of Person Signing

Signature

January 22, 1999  
Date

Total number of pages including cover sheet, attachments, and document: 2

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments, Washington, D.C. 20231



# Assignment Of Application

WHEREAS, I, (WE) 1) Mitsunori IWAMOTO; and 2) Sang-Kee JUNG

of 1) 1498, Shinmachi, Karatsu-shi, Saga 847-0813 Japan; and

2) Room No. 505, Vira Suitopia, 125, Aioicho, Kawaramachidoori Imadegawaagaru, Kamigyo-ku, Kyoto-shi, Kyoto 602-0827 Japan,

respectively, have invented certain new and useful improvements in: NOVEL PROTEIN, ITS GENE, REAGENTS FOR INDUCING APOPTOSIS, AND ANTICANCER AGENTS,  
for which an application for Letters Patent was <sup>filed</sup> ~~executed~~ on May 22, 1998 under PCT Application, and  
No. PCT/JP98/02261 as an International application designating the U.S.

WHEREAS, TENSEI SUISAN CO., LTD.

(hereinafter referred to as "ASSIGNEE") having a place of business at: 1-6, Nakasedoori, Karatsu-shi, Saga-ken, Japan.

is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent that may be granted therefor in the United States and its territorial possessions and in any and all foreign countries;

NOW, THEREFORE, in consideration of the sum of FIVE DOLLARS (\$5.00), the receipt whereof is hereby acknowledged, and for other good and valuable consideration, I (WE), by these presents do sell, assign and transfer unto said ASSIGNEE, the full and exclusive right to the said invention in the United States and its territorial possessions and in all foreign countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, reissues, continuations, substitutions and renewals thereof.

I, (WE) hereby authorize and request the Patent Office Officials in the United States and its territorial possessions and any and all foreign countries to issue any and all of said Letters Patent, when granted, to said ASSIGNEE as the assignee of my (our) entire right, title and interest in and to the same, for the sole use and behoof of the said ASSIGNEE, its (his) successors and assigns, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me (us) had this Assignment and sale not been made.

Further, I (WE) agree, that I (WE) will communicate to said ASSIGNEE or its (his) representatives any facts known to me (us) respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to said ASSIGNEE, make all rightful oaths, and; generally do everything possible to aid said ASSIGNEE, its (his) successors, and assigns, to obtain and enforce proper protection for said invention in the United States and its territorial possessions and in any and all foreign countries.

EXECUTED AT: Karatsu-shi, Saga-ken, Japan

Date: January 12, 1999

Mitsunori Iwamoto  
(Signature of Inventor) Mitsunori IWAMOTO

Date: January 12, 1999

Sang-Kee Jung  
(Signature of Inventor) Sang-Kee JUNG

Date: \_\_\_\_\_

(Signature of Inventor)

Date: \_\_\_\_\_

(Signature of Inventor)

Date: \_\_\_\_\_

(Signature of Inventor)